

MAR 12 1986

FILED

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION MAR 4 1986
STATE OF MISSOURI

ADMINISTRATIVE HEARING
COMMISSION

STATE COMMITTEE OF PSYCHOLOGISTS
3523 North Ten Mile Drive
P.O. Box 4
Jefferson City, MO 65102

Petitioner,

v.

ELYA I. BRESLER
397 Imperial Way
Daly City, CA 94105

Respondent.

No. *PG-86-0393*

COMPLAINT

Comes now petitioner, by and through its attorney, the Attorney General of the state of Missouri, and for its cause of action states:

1. Petitioner, State Committee of Psychologists, an adjunct to the Missouri Board of Registration for the Healing Arts, is responsible pursuant to § 337.050, RSMo Supp. 1984, for advising and making recommendations to the Department of Economic Development concerning the licensing and disciplining of psychologists in the state of Missouri.

2. Elya I. Bresler was licensed by reciprocity from the state of Illinois on December 17, 1978. Respondent's license number is PYR0001. This license has not been renewed for 1986.

3. On respondent's application for licensure in this state, respondent stated that he had earned a Master's Degree in

1938 and a Ph.D. Degree in 1947 from the University of California-Berkeley.

4. On March 20, 1980, respondent entered into a consent order with the state of Illinois Department of Registration and Education wherein respondent stipulated to the following facts:

- "1. That Respondent was issued License 72-1598 based upon reciprocity with the State of California.
2. That the Department of Registration and Education of the State of Illinois has received a certified letter from the State of California, Board of Medical Quality Assurance which indicates that Elya Bresler has never been licensed as a psychologist in the State of California.
3. That Respondent admits that he has never held certificate of registration PL 31 as a Registered Psychologist in the State of California.
4. That Respondent agrees voluntarily to the revocation of License Number 72-1598 which was issued to him."

A copy of this consent order is attached as Exhibit A and incorporated herein by reference.

5. Respondent's application for licensure contained false information, and respondent's licensure through reciprocity in this state was predicated upon respondent's misrepresentations as to his prior licensure in California.

6. 4 CSR 235-5.020(3)(A) states, in pertinent part:
"Psychologists accurately represent their competence, education, training, and experience. They claim as evidence of educational qualifications only those degrees obtained from institutions

acceptable under the bylaws and rules of council of the American Psychological Association."

7. 4 CSR 235-5.020(4) states, in pertinent part:

"Moral and Legal Standards: Psychologists' moral and ethical standards of behavior are a personal matter to the same degree as they are for any other citizen, except as these may compromise the fulfillment of their professional responsibilities or reduce the public trust in psychology and psychologists. Regarding their own behavior, psychologists are sensitive to prevailing community standards and to the possible impact that conformity to or deviation from these standards may have upon the quality of their performance as psychologists. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties."

8. Respondent's conduct as set forth in Paragraphs 1 through 5 above constitutes a violation of § 337.035.2, RSMo Supp. 1984, which states, in pertinent part:

"2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

* * *

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

* * *

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

* * *

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

* * *

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

* * *

(13) Violation of any professional trust or confidence;

* * *

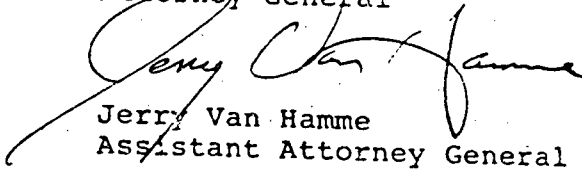
(15) Being guilty of unethical conduct as defined in 'Ethical Standards for Psychologists' as adopted by the department and filed with the secretary of state."

WHEREFORE, petitioner respectfully prays this Administrative Hearing Commission to conduct a hearing in this cause pursuant to §§ 621.015, et seq., RSMo Supp. 1984, and thereafter issue its findings of fact and conclusions of law that the psychologist license of Elya I. Bresler is subject to disciplinary action under § 337.035, RSMo Supp. 1984, by petitioner, State

Committee of Psychologists, for violations of Chapter 337,
RSMo.

Respectfully submitted,

WILLIAM L. WEBSTER
Attorney General



Jerry Van Hamme
Assistant Attorney General

8th Floor, Broadway State
Office Building
P.O. Box 899
Jefferson City, MO 65102
314-751-8818

Attorneys for Petitioner

55 East Jackson Boulevard
Chicago, Illinois
60604
(312) 341-8810



RECEIVED

320 West Washington
Springfield, Illinois
62786
(217) 785-0800

STATE OF ILLINOIS
DEPARTMENT OF REGISTRATION AND EDUCATION
JOAN G. ANDERSON
DIRECTOR

IN REPLY REFER TO: Chicago Office

March 14, 1980

Elva Bresler
108 S. Springer
Carbondale, Illinois 62901

Dear Mr. Bresler:

I am an attorney with the Department of Registration and Education of the State of Illinois. Enclosed please find my card. It is my understanding that you have surrendered your license as a psychologist in the State of Illinois and that you have agreed to sign a Consent Order to this effect. Pursuant to your agreement I have prepared a Consent Order for your signature.

I will be at the Offices of the Department in Springfield, which are located at 320 West Washington Street, 3rd floor, on March 19, 1980 and March 20, 1980. I would be available to see you on the morning of March 20, 1980 so that I could explain the terms of the Consent Order to you and obtain your signature.

If you are unable to appear at the Springfield Offices of the Department on March 20, 1980 please inform me. On March 18, 1980 you can contact me at my Chicago Office, which has the telephone number of (312) 793-8581. On March 19, 1980 you can contact me at the Springfield Office, at telephone number (217) 785-0923.

Very truly yours,

Alan Rhine

Alan Rhine



BOARD OF MEDICAL QUALITY ASSURANCE
PSYCHOLOGY EXAMINING COMMITTEE
1430 HOWE AVENUE, SACRAMENTO, CALIFORNIA 95825



(916)920-6383

B. 11. 11.

STATE OF CALIFORNIA

BOARD OF MEDICAL QUALITY ASSURANCE

I, HOWARD M. LEVY, Assistant Executive Secretary and official custodian of the records of the Board of Medical Quality Assurance, Psychology Examining Committee, do hereby certify that ELYA I. BRESLER is not an applicant for licensure, is not licensed as a psychologist, nor has ever been issued a license as a psychologist by this board.

DATE: March 6, 1980

Respectfully submitted,

Howard M. Levy

HOWARD M. LEVY
Assistant Executive Secretary

CHESTER
MENTAL
HEALTH
CENTER

STATE OF ILLINOIS



DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

TERRY B. BRELJE, PH.D., SUPERINTENDENT
P O BOX 31 CHESTER, ILLINOIS 62233
(618) 826-4571

March 5, 1980

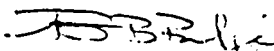
Chief. Investigations Section
Department of Registration and Education
628 E. Adams Street
Springfield, IL 62701

Dear Sir:

Enclosed please find documents concerning Mr. Elya Issar Bresler. As you can see, we learned that apparently Mr. Bresler did not attend Berkeley as claimed. Accordingly, we have initiated disciplinary action under the existing rules. We notified your agency by phone on Thursday, February 28 of our actions. Further, our attorney talked with R & E on Friday.

Should you need any further information, please advise.

Sincerely,


Terry B. Brelje, Ph.D.
Superintendent

TBB:bp

Enclosures

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

ELYA I. BRESLER, Ph.D.
108 S. Springer Street
Carbondale, Illinois 62901

Petitioner,

v.

STATE COMMITTEE OF PSYCHOLOGISTS
P.O. Box 4
Jefferson City, Missouri 65102

Respondent.

Case No. 78077

MOTION TO DISMISS

COMES NOW the Respondent by and through its attorney and respectfully moves this Commission to dismiss Petitioner's cause for the following reasons:

1. Petitioner's application for licensure has been granted by Respondent subsequent to the filing of Petitioner's complaint against Respondent.
2. Petitioner has been notified of the approval of his application, and a copy of such notice is hereto attached.
3. Petitioner no longer has any grounds for the complaint filed pursuant to 161.302 RSMo (1969).

WHEREFORE, Respondent prays that this Commission dismiss Petitioner's cause with prejudice.

Respectfully submitted,

JOHN ASHCROFT
ATTORNEY GENERAL

Bobette Shipman
BOBETTE SHIPMAN
Assistant Attorney General

Supreme Court Building
P.O. Box 899
Jefferson City, Missouri 65102
314/751-3321

CERTIFICATE OF SERVICE

I hereby certify that a true

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

ELYA I. BRESLER, Ph.D.
CLINICAL PSYCHOLOGY
108 S. Springer Street
Carbondale, Illinois 62091

Petitioner,

vs.

Case No. 78077

STATE COMMITTEE OF PSYCHOLOGISTS
P. O. BOX 4
Jefferson City, Missouri

Respondent.

NOTICE OF HEARING

PLEASE TAKE NOTICE that a Hearing in the above case has been
set at 9:00 A.M., Monday, January 8, 1979, 211 Oscar Drive, Suite B
Jefferson City, Missouri

All parties have the right to be represented by legal counsel,
and to a full, fair and open hearing, as provided for in Chapter 536
RSMo., 1969 and Section 161.252 et seq., RSMo., 1969.


FRANCIS WELCH
ADMINISTRATIVE HEARING COMMISSIONER